

GEORGIA BEHAVIORAL HEALTH COORDINATING COUNCIL

BYLAWS

ARTICLE I

NAME AND DEFINITIONS FOR THE COUNCIL

SECTION 1. Name. The name of the Council is stated by law as the "Behavioral Health Coordinating Council." [Reference O.C.G.A. § 37-2-4.]

SECTION 2. Definitions. For purposes of the Behavioral Health Coordinating Council and its actions, "behavioral health" shall have the same meaning as "disability services" as defined in O.C.G.A. § 37-1-1, that is:

"Disability services" means services to the disabled or services which are designed to prevent or ameliorate the effect of a disability.

"Disability" means:

- (A) Mental or emotional illness;
- (B) Developmental disability; or
- (C) Addictive disease.

"Mental illness" means a disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

"Developmental disability" means a severe, chronic disability of an individual that:

- (A) Is attributable to a significant intellectual disability, or any combination of a significant intellectual disability and physical impairments;
- (B) Is manifested before the individual attains age 22;
- (C) Is likely to continue indefinitely;
- (D) Results in substantial functional limitations in three or more of the following areas of major life activities:
 - (i) Self-care;
 - (ii) Receptive and expressive language;
 - (iii) Learning;
 - (iv) Mobility;
 - (v) Self-direction; and

(vi) Capacity for independent living; and
(E) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance which are of lifelong or extended duration and are individually planned and coordinated.

"Addictive disease" means a chronic, often relapsing, brain disease that causes compulsive alcohol or drug seeking and use despite harmful consequences to the individual who is addicted and to those around him or her.

[Reference O.C.G.A. §§ 37-1-1 and 37-2-4.]

ARTICLE II

AUTHORITY, POWERS AND FUNCTIONS

SECTION 1. Authority and Functions. The general authority and functions of the Council are created and defined by law. [Reference: O.C.G.A. § 37-2-4.]

SECTION 2. Functions. The Council performs four categorical functions: (1) Recommendation Function, (2) Goal-Setting Function, (3) Monitoring and Evaluation Function, and (4) Measures-Developing Function.

Recommendation Function. The Council develops solutions to the systematic barriers or problems to the delivery of behavioral health services by making recommendations that implement funding, policy changes, practice changes, and evaluation of specific goals designed to improve service delivery and outcome for individuals served by the various departments.

Goal-Setting Function. The Council focuses on specific goals designed to resolve issues for provision of behavioral health services that negatively impact individuals serviced by at least two departments.

Monitoring and Evaluation Function. The Council monitors and evaluates the implementation of established goals; and

Measures-Developing Function. The Council establishes common outcome measures for departments represented by its members.

ARTICLE III

MEMBERS

SECTION 1. Members. The members of the Council are established by law to include the following persons:

The commissioner of Behavioral Health and Developmental Disabilities.

The commissioner of Community Health.

The commissioner of Human Services.

The commissioner of Juvenile Justice.

The commissioner of Corrections.

An adult consumer of public behavioral health services.

A family member of a consumer of public behavioral health services.

A parent of a child receiving public behavioral health services.

A member of the House of Representatives.

A member of the Senate.

[Reference O.C.G.A. § 37-2-4.]

SECTION 2. Appointment and Term. The various agency commissioners or heads are members of the Council as a matter of law. The adult consumer of public behavioral health services, the family member of a consumer of public behavioral health services, and the parent of a child consumer are appointed by the Governor. The member of the House of Representatives is appointed by the Speaker of the House of Representatives, and the Senator is appointed by the Lieutenant Governor. Each member serves at the pleasure of his or her appointing authority, with no term limit. [Reference O.C.G.A. § 37-2-4.]

SECTION 3. Vacancies. Vacancies in office are to be filled by appointment, in the same manner as the appointment to the position on the Council which becomes vacant.

Removal. Appointed members of the Council may be removed from office under the same conditions for removal from office of members of professional licensing boards provided in O.C.G.A. § 43-1-17. [The Governor, after notice and opportunity for hearing, may remove from office any member of a professional licensing board for any of the following:

- (1) Inability or neglect to perform the duties required of members;
- (2) Incompetence; or (3) Dishonest conduct.]

SECTION 4. Code of Ethics for Council Members. Members will abide by the "Code of Ethics for Members of Boards, Commissions, and Authorities" and the "Conflict of Interest" statutes. [Reference O.C.G.A. § 45-10-3 and Title 45 Chapter 10 Article 2.]

SECTION 5. Administrative Attachment. The Council shall be attached to the Department of Behavioral Health and Developmental Disabilities for administrative purposes only as provided by O.C.G.A. § 50-4-3. [Reference O.C.G.A. § 37-2-4.]

ARTICLE IV

CHAIRPERSON, VICE-CHAIRPERSON AND SECRETARY

SECTION 1. Chairperson. State law provides that the Commissioner of Behavioral Health and Developmental Disabilities shall be the Chairperson of the Council. [Reference O.C.G.A. § 37-2-4.]

SECTION 2. Vice-Chairperson. There shall also be a Vice-Chairperson of the Council elected by and from the membership of the Council. [Reference O.C.G.A. § 37-2-4.]

SECTION 3. Secretary. There also shall be a Secretary of the Council elected by and from the membership of the Council. [Reference O.C.G.A. § 37-2-4.]

SECTION 4. Duties. The duties of the Chairperson, or the Vice-Chairperson in the event of the Chairperson's absence or disability, shall be to preside at the meetings of the Council; to vote as any other member in Council meetings; to appoint, with the approval of the Council, the members of all standing and special committees; to serve as an ex-officio member of all standing and special committees, with the exception of the nominating committee, without the authority to vote; to act for the Council and to sign documents and correspondence on behalf of the Council when the express or implied authorization of the Council is granted; to call special meetings and telephone conferences of the Council; and to otherwise perform all of the duties which may be delegated to the Chairperson by the Council.

The Secretary shall record minutes or transcripts of all meetings, or have same recorded, and shall include a record of the votes of each member, specifying the yea or nay vote or absence of each member, on all questions coming before the Council. The Secretary shall handle such

correspondence as requested by the Chairperson or by the Council, and shall perform such other duties as shall be delegated by the Chairperson or by the Council.

SECTION 5. Election and Term. The Vice-Chairperson and Secretary of the Council shall be elected for two (2) year terms. They may succeed themselves. Elections shall be held at the meeting of the Council in the second quarter of the fiscal year. A nominating committee shall be selected by the Executive Committee in the meeting during the first quarter of the fiscal year. The Nominating Committee will present a slate of officers to the Council at the meeting in the second quarter of the fiscal year. Further nominations may be made by Council members.

SECTION 6. Removal. The Vice-Chairperson or Secretary, or either of them, may be removed from such office at any time by vote of a majority of the membership of the Council; provided, however, that notice of such intended action shall be given in writing to each member of the Council at least five (5) days prior to any meeting at which such a vote is to be taken. Upon removal of the Vice-Chair or Secretary, or either of them, the Council shall elect a successor to serve the remainder of the unexpired term(s).

SECTION 7. Vacancies. Should the office of the Vice-Chairperson or Secretary become vacant other than by removal, an election to fill the unexpired term shall be held as soon as reasonably possible following the office becoming vacant. Nominations may be made by any Council member, and any Council member may place his or her own name for nomination.

ARTICLE V

MEETINGS

SECTION 1. Regular Meetings. The Council shall meet quarterly, or more frequently on the call of the Chairperson. For quarterly or more frequent regular meetings, the Chairperson shall provide no less than five (5) days' written notice to members, and to the public in conformance with the provisions of the "Open Meetings Act." [Reference O.C.G.A. §§ 37-2-4 and 50-14-1 et seq.]

SECTION 2. Special Meetings. Special meetings of the Council may be called for any purpose by the Chairperson, or the Vice-Chairperson in the event of the Chairperson's disability, or any three (3) members of the Council, by request in writing to the Chairperson.

In the event of such called meeting, the Chairperson shall give the Council members written notice, to be received 48 hours prior to the special meeting, of the scheduled time and place of the special meeting and shall state the purpose of the meeting in the notice. Public notice of the meeting shall be provided in accordance with the "Open Meetings Act," 24 hours in advance or as otherwise authorized by the Open Meetings Act. [Reference O.C.G.A. §§ 37-2-4 and 50-14-1 et seq.]

SECTION 3. Quorum. No member of the Council shall be represented by a delegate or agent. A quorum shall be a majority of the members of the Council then in office. No vacancy on the Council shall impair the right of the quorum to exercise the powers and perform the duties of the Council. The vote of a majority of the members of the Council present at the time of the vote, if a quorum is present at such time, shall be the act of the Council unless the vote of a greater number is required by law or by these By-Laws. No member may abstain from a vote other than for reasons constituting disqualification to the satisfaction of a majority of a quorum of the Council on a recorded vote. [Reference O.C.G.A. § 37-2-4.]

SECTION 4. Parliamentary Authority. The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the Constitution or laws of Georgia, these By-Laws and any special rule which the Council may adopt. The Council may appoint a parliamentarian for the Council.

SECTION 5. Conference Telephone Calls. In the event of an emergency when it is not practicable for the Council to meet in formal assembly, business may be conducted by telephonic means, provided that a quorum of the membership participates. The conduct of business through conference telephone calls shall be in conformance with the "Open Meetings Act," and opinion of the Attorney General No. 85-26. [Reference O.C.G.A. §§ 37-2-4 and 50-14-1 et seq.]

SECTION 6. Rescheduling, Relocating, Canceling, Closing Meetings. When it is determined necessary by the Council to reschedule, relocate, cancel or close a meeting to the public such action shall be in conformance with pertinent provisions of the "Open Meetings Act." [Reference O.C.G.A. §§ 37-2-4 and 50-14-1 et seq.]

SECTION 7. Records. A record shall be made and maintained of all meetings of the Council, standing and special committees of the Council, and conference

telephone calls of the Council. Such record shall conform to the requirements of the "Open Records Act." [Reference O.C.G.A. § 50-18-70 et seq.]

ARTICLE VI

COMMITTEES

SECTION 1. Committees. The Council shall create such standing or special committees as it deems necessary to more effectively conduct the business of the Council. The duties of these committees and terms of the members thereof shall be designated by the creating authority at the time of creation.

ARTICLE VII

CONSULTATION AND RECORDS

SECTION 1. Consultation. The Council may consult with various entities, including state agencies, councils, and advisory committees and other advisory groups as deemed appropriate by the Council. [Reference O.C.G.A. § 37-2-4.]

SECTION 2. Records and Data. All state departments, agencies, boards, bureaus, commissions, and authorities are authorized and required to make available to the Council access to such records or data which are available in electronic format or, if electronic format is unavailable, in whatever format is available. The judicial and legislative branches are authorized to likewise provide such access to the Council. [Reference O.C.G.A. § 37-2-4.]

SECTION 3. Confidentiality. Records will be produced from other agencies or entities under Section 2 of these bylaws in compliance with applicable federal and state confidentiality laws, including but not limited to: confidentiality of protected health information as defined in the Health Information Portability and Accountability Act (HIPAA) and its implementing regulations; federal regulations on Confidentiality of Alcohol and Drug Abuse Patient Records; state mental health, developmental disability, and substance abuse laws; and the Georgia Open Records Act. In the event the Council receives confidential information from its own members, from other agencies, or from any other source, which information is covered by confidentiality laws and regulations, the Council and its members will maintain such information confidentially. The Council and its members may re-disclose such confidential information only in compliance with applicable laws and regulations.

SECTION 4. Advice to the Council. Councils created by specific statutes or by Executive order of the Governor and whose purpose includes providing advice to the Council shall be given opportunity to present recommendations to the appropriate standing committee of the Council.

ARTICLE VIII

ANNUAL REPORTS

SECTION 1. Annual Reports. The Council shall submit annual reports of its recommendations and evaluation of their implementation to the Governor and the General Assembly. [Reference O.C.G.A. § 37-2-4.]

SECTION 2. Recommendations. The recommendations developed by the Council shall be presented to the board or other governing authority of each member department for approval or review at least annually. [Reference O.C.G.A. § 37-2-4.]

ARTICLE IX

AMENDMENT TO BY-LAWS

SECTION 1. Amendment. These By-Laws can be amended at any meeting of the Council by a two-thirds vote, provided that the amendment was submitted in writing to the Council at the immediately preceding meeting.

SECTION 2. Effective date. Amendments shall be effective immediately upon the adoption unless a specific effective date is specified in the motion to adopt.

1/6/2010
Effective Date

B. J. Walker
B. J. Walker, Secretary

APPROVED:

Frank E. Shelp
Frank E. Shelp, Chair